

FREQUENTLY ASKED QUESTIONS

[FOR EMPLOYEES]

Current as of August 18, 2024

UCLA is committed to providing a safe, secure, and inclusive environment for all members of our community. The University strongly denounces antisemitism and all discriminatory beliefs and practices. All members of the University community, including employees, play a crucial role in helping the University realize its values.

The District Court for the Central District of California recently issued a preliminary injunction in response to a lawsuit (the injunction order is located on page 15, under CONCLUSION) regarding the encampments that arose on UCLA's campus last academic year. The University is publishing this guidance to help employees understand how to carry out their responsibilities consistent with the requirements of the preliminary injunction.

If you have further questions, including about specific cases or events, you should first contact your supervisor who can seek further guidance if needed. If you need immediate assistance, please contact UCPD at (310) 825-1491. If any student or employee believes that they have experienced discrimination or harassment based upon any protected characteristic, they should report the matter to the EDI-Civil Rights Office at <https://equity.ucla.edu/report-an-incident/>.

How does the injunction relate to the Directive on Policies Impacting Expressive Activities recently issued by the Office of the President?

While the injunction is directed to certain senior administrators and applies to UCLA's campus, the directive from the Office of the President applies to all campuses.

The guidance set forth in the directive is consistent with the requirements of the injunction. Following the directive's guidance will therefore help ensure that UCLA is in compliance with the injunction. The guidance sets forth specific steps in response to the restriction of free movement to promptly restore access to students, while also limiting risks of substantial disruptions to campus operations or risks to health and safety.

Why did the Court issue an injunction against UCLA?

The Court issued a preliminary injunction in connection with a lawsuit that raises claims regarding the University's response to protest activity on campus. The preliminary injunction imposes

requirements that have been and continue to be both policy and culture on this campus, namely, allowing access to University activities by appropriate members of the campus community, without regard to race, religion, or any other protected characteristic, or political views, including their beliefs about the state of Israel.

What must the University and its employees do to comply with the injunction?

It is now and has always been the University's policy to provide and foster a safe, secure and inclusive environment for all students and community members, and the University condemns antisemitism and other discriminatory beliefs or practices. This guidance describes what actions

you should take to comply with the injunction and to foster an inclusive environment at the University.

University policy states that no individual or group of individuals may prohibit or obstruct any student from accessing any ordinarily available campus areas, programs or activities on the basis of their religion, race, or any other protected characteristic, or on the basis of their political or other viewpoints, including their beliefs about the state of Israel. Individuals must also comply with all of the University's time, place, and manner policies and other policies that may impact campus events or expressive activities.

If any individual or group of individuals is prohibiting or obstructing students from accessing ordinarily available campus areas, programs or activities in violation of University policy, University officials will act to promptly restore access to students, while also limiting risks of substantial disruptions to campus operations or risks to health and safety. That includes by:

- Informing individuals that they are engaging in a policy violation and directing them to change their conduct and/or remove the barrier to access.
- Warning individuals of the potential consequences of failure to comply and further directing them to comply.
- If individuals fail to comply and barriers to access remain, the University will involve appropriate resources which may include the Campus Fire Marshal, the UC Police Department, and/or other state or local law enforcement agencies to assist with removal of the barriers to access and take other appropriate action which may include involving law enforcement and may result in discipline and/or arrests.
- Instituting the applicable campus review process for members of the University community who are cited for a violation of campus rules or law.

In circumstances where the University determines that UCPD, or state or local law enforcement assistance is required, it may clearly communicate that decision to employees using BruinAlert or another communication mechanism.

What should employees do if the barrier to access cannot promptly be removed?

In some instances, it may not be possible to promptly remove a barrier to access, such as where doing so might threaten the health and safety of University community members or campus safety teams. In those circumstances, University employees should take alternative measures to promptly restore access while efforts are undertaken to remove the barrier to access. These measures may include:

- Providing alternative access to a building or space, such as through a different doorway or walkway.
- If feasible, moving the specific program or activity to another building or space to ensure continued access for all students.

- If it is not possible to promptly remove the barrier or to promptly move the program or activity to another location, consistent with the requirements set forth in the injunction, the University may deem it necessary to deny access to any students to a particular space or program or activity until access can be restored for all students. For instance, if access to a University library is blocked for some students and the University cannot promptly restore access, then the University may need to close services in the library for all students until access can be restored.

**The Court's order covers "any ordinarily available programs, activities, and campus areas."
What does that mean?**

The University will broadly construe campus areas, programs, or activities to include any area of campus that is ordinarily open to students, as well as any building, class, or activity that students can ordinarily access, including Zoom or digital programs, and University-sponsored off-campus activities. The order does not require that students have access to areas that are not ordinarily open to all students, such as faculty lounges, administrative offices, and student housing, but students may not be excluded from such areas solely on the basis of their religion or other protected characteristic, or political views, including their beliefs about the state of Israel.

Does the Court's order apply to ticketed events and reserved events?

Yes, the order applies to all events that are "ordinarily available" to students, including permitted events, events requiring tickets, or any other event sponsored by the University to which students would otherwise have access. Access to such events may not be denied on the basis of religion, race, or any other protected characteristic, or on the basis of political or other viewpoints, including beliefs about the state of Israel. University employees, however, may enforce existing University policies or procedures governing access to events, such as the requirement that an individual have a ticket to attend a ticketed event or register for an event. Consistent with [Student Conduct Code 102.13](#), University employees also may remove students who disrupt or obstruct any University activities.

Does the order apply to Registered Student Organization ("RSO") events?

Per University policy, membership in RSOs must be open to any student and may not be restricted on the basis of identity, religion, or political views, including views related to Israel. Consistent with University policy and the order, the RSO may not deny access to any students on the basis of their identity, religion, or political views, including views related to Israel.

What does "obstruction of access" mean?

The order refers to the physical obstruction of access to campus spaces, buildings, activities, or programs to which students would otherwise have access. Obstruction may include the erection of physical barriers as well as "checkpoints" monitored by individuals, or other measures that physically limit access to an area or program or activity.

The Court's order said that the University's campus security teams should not "aid or participate" in "any obstruction of access for Jewish students to ordinarily available

programs, activities, and campus areas.” How should a security team ensure it does not “aid or participate” in such an effort?

If individuals are obstructing access for any students to ordinarily available programs, activities, or campus areas and do not disburse when instructed to do so, campus security teams should take actions to promptly restore access to the program, activity, or campus area and to elevate the issue to the appropriate campus official if assistance is needed. As explained above, if it is not possible to promptly remove the barrier or to promptly move the program or activity to another location, the University may deem it necessary to deny access to all students to a particular space or program or activity until access can be restored for all students.

Does the order require special treatment for Jewish students?

The lawsuit at issue and the injunction specifically concern Jewish students, but the law more generally requires that no student be treated differently by the University on account of their race, national origin, sex, religion, or other protected characteristic. The University of [California's Anti-Discrimination Policy](#) similarly prohibits discrimination or harassment on the basis of protected traits, including—but not limited to—religion. The University is, has been, and always will be committed to fostering an inclusive environment for all students, and every student should have the ability to access the same programs, activities, and areas that are ordinarily available to all students on campus.

If any student or employee believes that they have experienced discrimination or harassment based upon any protected characteristic, they should report the matter to the EDI-Civil Rights Office. Protected characteristics include; race, religion, color, citizenship, national or ethnic origin, ancestry, sex (including pregnancy, childbirth, breastfeeding or related medical conditions), gender, gender identity, gender expression, gender transition, sexual orientation, physical or mental disability (including having a history of a disability or being regarded as being disabled), medical condition (cancer-related or genetic characteristics), predisposing genetic information (including family medical history), marital status, age (over 40), or veteran or military status.

Does this mean that the University will prohibit protests that express a pro-Palestinian or anti-Israel message?

No. The First Amendment protects the rights of students to protest whatever their viewpoint, and the Court made clear that its order was not meant to limit the content or viewpoints espoused in any protest or other expressive activities. Protests, however, must comply with the University's time, place, and manner rules, as well as other content- and viewpoint-neutral University policies, such as those that prohibit threats or violence. In addition, protestors may not restrict the free movement of others on campus by blocking or obstructing access to a University facility or space.

If a community member asks an employee to take specific action based on the injunction, what should the employee do?

If a student or other community member confronts an employee about the injunction, the employee should state that their complaint will be shared with the appropriate University officials. Employees should then refer any complaints about alleged violations of the injunction or related policies to UCPD at (310) 825-1491. In addition, the employee should encourage students or

employees who believe that they have experienced discrimination or harassment based upon any protected characteristic to report the matter to the EDI-Civil Rights Office at <https://equity.ucla.edu/report-an-incident/>.

Nothing in the injunction prevents University officials from enforcing UCLA code of conduct standards applicable to all UCLA students.

What should employees do if they are concerned about a potential violation of the injunction?

We encourage all employees to report potential violations of the injunction or related policies to UCPD at (310) 825-1491.

What liability, if any, may individual employees be subjected to in response to the order?

Employees are covered by the [UCLA Liability Programs](#) for their acts or omissions while acting within the scope of University employment. "Scope of Employment" refers to activities that are normally a part of a particular employee's job. Illegal activities or willful misconduct, for example, are outside the scope of employment of all jobs, and thus would not be covered by the Liability Programs.

Will the University appeal the preliminary injunction?

The University is forgoing an appeal and is taking steps to educate all community members about the rules applicable on campus this Fall.